

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIGEL FREDERICKS,

Plaintiff,

-against-

CORRECTION OFFICER JOHN PARILLA,

Defendant.

21-CV-1893 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated in Rikers Island, is proceeding *pro se* and *in forma pauperis*. The docket for this case shows that Plaintiff is detained in the Anna M. Kross Center. The docket of another case Plaintiff has pending in this District shows that Plaintiff is detained in the George R. Vierno Center (GRVC).¹ The New York City Department of Correction Inmate Lookup confirms that Plaintiff is currently housed in GRVC. The Court has directed the Clerk of Court to update Plaintiff's address in this case.

By order dated June 1, 2021, the Court directed Plaintiff to file an amended complaint within sixty days to address deficiencies in his original complaint, and warned him that failure to comply would result in dismissal of the action for failure to state a claim. (ECF 7.) The Clerk of Court mailed that order to Plaintiff on the same day that it was issued; the letter was not returned, and there is no indication that Plaintiff failed to receive it. But Plaintiff has not filed an amended complaint or otherwise communicated with the Court.

¹ See *Fredericks v. Doe*, No. 21-CV-553 (GBD) (S.D.N.Y. filed Jan. 21, 2021). Plaintiff, has previously been warned that it is his obligation to promptly submit a written notification to the Court if his address changes, and that the Court may dismiss the action if Plaintiff fails to do so. (No. 21-CV-1893, ECF 5 at 2.)

The Court grants Plaintiff an extension of time to file an amended complaint as outlined in the June 1, 2021 order. Plaintiff is directed to file an amended complaint within sixty of the date of this order. If Plaintiff fails to comply within the time allowed, and he cannot show good cause to excuse such failure, the complaint will be dismissed for failure to state a claim upon which relief may be granted, *see* 28 U.S.C. § 1915(e)(2)(B)(ii).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 20, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge